

1906-026 Chancery Causes: Ardill Fulkerson vs. Minnie Fulkerson
Lee Co.

Noe, Rose, Fugate

CA-Divorce

T-Vices

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County, Virginia.

Humbly complaining, your orator, Ardill Fulkerson, (colored) would respectfully represent and show unto your honor, that on the _____ day of October, 1903, at the age of forty five years, he was married in said County, to Minnie Noe, (colored,) aged seventeen years, with whom he lived and cohabited as husband and wife in said county until August 31st, 1905, when his said wife, without cause, abandoned him, and went to the house of a neighbor in said County where she has since resided and now resides. Your orator will further represent and show unto your honor, that his wife not only abandoned him as aforesaid, but since then has been unfaithful to him and has been guilty of adultery in said county in the neighborhood of Ewing, with some man who is unknown to your orator, and that on or about the 17th day of August, 1906, his said wife became the mother of a child, of which he was not the father, but whose father was, as he believes and alleges, a white man; that his said wife's acts of adultery were without his consent or connivance, and that they last lived and cohabited together as husband and wife in said county, of which county they are both residents, and have been for more than one year before the institution of this suit. And that there was born to him and his said wife, in wedlock, one child, now about two years of age named _____ and which child is in his care and custody.

The object of this bill, therefore, is to obtain ^{decree of} a divorce from the bonds of matrimony existing between your orator and his said wife, and decreeing to your orator the custody of his said child, the said defendant being an unfit person to have custody and control of said child. To this end he makes the said Minnie Fulkerson the party defendant to this bill and asks that she be required to answer the same/ but not under oath, that being waived, and that the relief above prayed for be granted your orator together with all such other and further relief as may be suited to his cause, and your orator will ever pray &c.

Or + Noel. / 1. 9.

Arvid Fulkerson.

vs { Bill in Chancery.

Minnie Fulkerson.

1906 1st Sept. Rule

Bill filed. Sp.
executed ~~and D.H.~~

" 2nd Sept. Rule

~~D.H. confirmed~~ +

Case set for
hearing by plaintiff

Costs:

Clerk \$3.55

Atty. 15.00

Tax 1.50

Shff. .90

\$20.95

Ardill Fulkerson,

Plaintiff.

vs.

In Chancery

Minnie Fulkerson,

Defendant.

This cause came on to be heard upon the bill of the plaintiff, and process duly executed on the defendant, the cause regularly matured at rules, and set for hearing by the plaintiff, and was argued by counsel for plaintiff. *And the defendant not appearing.* On consideration thereof, it is adjudged, ordered and decreed that the bonds of matrimony existing between the plaintiff and defendant be and the same are hereby dissolved, and the plaintiff is forever divorced from the defendant; and that the plaintiff recover against the defendant the cost by him in this behalf expended, *A* and the cause is stricken from the docket.

Artill Fulkerson
vs { Deere Finab
n³
Minnie Fulkerson

Entered in C.O.B.
#8, page 214 re.

Enter this deeres.

J. A. W. Simon

Sept 22" 1906.

To Minnie Fulkerson,

You will please take notice that on the 22nd day of September 1906, at the law office of James W. Orr in Johannesburg, Virginia, I will proceed between the hours of 8 a.m. and 8 p. m. of that day to take the depositions of Dr. E. Rose and others to be read as evidence in my behalf in a certain suit in chancery pending in the Circuit Court of Lee County, in which I am plaintiff and you are defendant, and if from any cause the taking of the said depositions be not commenced on that day, or if commenced be not completed on that day, the taking of the same will be adjourned from time to time and from place to place until the same are completed.

Respectfully,

Ardill Fulkerson
by Orr & Noel, attys.

Arduill Fulkerson.

vs } Notice

Minnie Fulkerson

Executed by delivering
a copy of the within
notice to defendant.
Sept 19/11/1906.

D. M. Bell, S.L.C.

The depositions of Dr. E. E. Rose, and Thomas Fugate taken before me: M. V. Eby, Commissioner in Chancery for the circuit court of Lee County at the Law office of James W. Orr, in Jonesville Va., pursuant to notice hereto annexed, to be read as evidence in a certain suit pending in the circuit court of Lee County Va. wherein Ardill Fulkerson is plaintiff and Mimmie Fulkerson is defendant.

Present. James W. Orr Counsel for Plaintiff
Dr. E. E. Rose a witness of lawful age, being duly sworn deposes and says.

Ques. State your age, residence, occupation, and whether or not you are acquainted with the parties to this suit?

Ans. I am 53 yrs of age. Reside at Ewing Va. - Practicing Physician, have been for 24 yrs. practice mostly in the vicinity of Ewing Va. I know both the parties.

Ques. Were you called as a Physician to attend the defendant during child birth? if so - when and where?

Ans. I was. July 17th 1906, at the residence of H. C. T. Richmond Sr. at Ewing, Va.

Ques. If the deft. was delivered of a child, state what kind of child it was, as to its color and parentage, on the part of the Father?

Ans. She was delivered of a child by me, and from the appearance of the child, then as well

Now, I am satisfied that its Father
was a white man,

Ques. - What is the color of the plaintiff and defendant?

Ans. They are both dark colored people, and the
child is mulatta, with straight hair, a little curly -

Ques. Where do the plaintiff and defendant reside?

Ans. They both live in this, Lee County, Va. and
have so resided since I have known them.

Ques. Do you know whether or not the defendant
has been living separate from her husband,
if so, how long?

Ans. I am informed that the defendant left
the plaintiff in Aug. 1905, and I know the
fact that she has been living at Mr.
Richmonds for the last 5 or 6 months and,
perhaps longer, separate from her husband -
and further depose with not.

Dr. C. E. Rose

Thomas Fugate another witness of lawful age
introduced by the plaintiff being duly sworn
deposes and says:-

Ques. State your age, residence and occupation and whether
or not you are acquainted with the parties to this suit.

Ans. age. 19 - Ewing, Va. Farmer, I know the parties
have known them from 5 to 8 yrs -
they both have lived in this County since their
marriage in about 1903.

11 2
13 0
16 2
or 1.00
1.62

Ques. What was the treatment of the Plaintiff toward the defendant, after their marriage, and while they lived together as husband and wife?

ans. His treatment was kind and good as could reasonably be, they seemed to get along all right.

Ques. Was there any separation between them, if so how did it occur?

ans. She left him in Aug. 1905, and went to Tennessee for a short time, and then returned to this county, staid awhile and went back to Tenn., and then returned again to this county, and then went to Pineville Ky. And came back to this county and came back and stayed at Mr. H. C. J. Richards ever since -

Ques. Has she remained separate and apart from the Plaintiff since she left him Aug. 1905?

ans. She not lived with him since that time;

Ques. Do you know of any acts of adultery by the deft. since she left the Plaintiff or at any time in last five years.

ans. I do not of my own knowledge, I only know that in about eleven months after she left him, she became the mother of a child - which must have been gotten by a white man, from its color and

appearance, since the birth of the child I saw her at Richards, I remarked to her "that is a good looking child for a darky," is it's Father Uncle Ardill, meaning the Plaintiff, and she said "No. I ~~don't~~^{at} fool with the old bald-headed fool," another time she said the child's "Daddy" lived in Tenn. and then she afterward denied it.

Ques. Do you know whether or not any acts of adultery of the Defendant, were by the procurement, consent or connivance of the Plff.?

Ans. I do not, I believe her acts were against his will,

Ques. Has the Plaintiff lived and cohabited with the deft, as husband and wife since she left him Aug. 1905-

Ans. He has not,

Witness' and further this deponent saith not,

Mileage 1 1/2
 50
 1.62
 44
 1.18

Thomas ^{his} Fugate
 with.

Virginia True Beauty &c.

I, M. G. Ely, Commissioner in Chancery, do certify that the foregoing depositions of Dr. E. E. Prose and Thomas Fugate, were duly taken, sworn to, and subscribed before me, at the time and place and for the purposes in the Caption mentioned, Given under my hand. this Sept. 22 - 1906 - M. G. Ely

Commissioner in Chancery

Archie Fulherson
vs. { Deposition of
 { Plaintiff
Minnie Fulherson

Filed Sept 22, 1906

H. C. J. Ewing,
Clerk.

Cour. Fee - 75¢ Paid

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

Minnie Fulkerson

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on
the *1st* Monday in *September*, 190*6*, to answer a bill in chancery exhibited against *her*

By *Ordice Fulkerson*

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *20th*
day of *August*, 190*6*, and 131st year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk.

_____, Clerk.

Ardill Fulkerson

VS

SUBPOENA
IN
CHANCERY.

Minnie
~~Ardill~~ Fulkerson

Orn x Noel, p. q

To

1st Sept.

Rules.

Lee Circuit.

Court.

1906
Executed By
Serving a true
copy of this subpoena
The 21st 1906.

D M Ball
S & C

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU THAT YOU SUMMON

Dr E. E. Rose,

(Insert others)

That High,

to appear before the Judge of our Circuit Court of the County of Lee, at the court house thereof, on the *22nd* day of *September* 190*6*, to testify and the truth to say in behalf of the *Plaintiff*

, in a certain matter of controversy in our said court before the said Judge depending and undetermined between *Edith Fulkerson*

Plaintiff, and

Minnie Fulkerson

Defendants . And this

they

shall in no wise omit, under the penalty of £100. And have then there this writ.

Witness, H. C. T. EWING, Clerk of our said court, at the court-house the *18th* day of

September 190*6*, and in the *18th* year of the Commonwealth.

H. C. T. Ewing, Clerk

Edill. Lutherson

VS.

}
SUBPOENA
FOR
WITNESS

Minnie Lutherson

Circuit Court,
the *22nd* day of *Sept*

1906,

Executed Sept 191
1906

P. M. Ball, S. L. C.